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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------------|------------------|
| 09/893,165 | 06/27/2001 | Kalle J. Karkas | 442-010445-US (PAR) | 4512 |
| 2512 | 7590 | 04/01/2009 | | |
| PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824 | | | EXAMINER LIPMAN, JACOB | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2434 | |
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| | | | 04/01/2009 PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/893,165 | KARKAS ET AL. | |
| | Examiner | Art Unit | |
| | JACOB LIPMAN | 2434 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-21 and 23-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-21 and 23-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 and 8-21 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang, USPN 6,175,922, in view of Wilk et al., USPN 5,260,551.

With regard to claims 1, 16, 21, 26, and 27, Wang discloses a user device (PEAD, column 18 lines 33-36) including means for wirelessly (column 18 lines 44-47) receiving a key (room key, column 18 line 63- column 19 line 4, column 17 line 66- column 18 line 3) having an identification tag identifying the service provider (direction's end location, column 17 line 66-column 18 line 3) and validity information (column 7 lines 45-60, encrypting the key), and a wireless means for establishing a connection with an access device (column 19 lines 8-9, column 18 lines 5-7) in response to a request identifying the service provider (column 18 lines 51-56) to provide the key and validity information (column 19 lines 4-9) where if the key and information are valid, access is provided (column 19 lines 9-14), and the communications operate at different frequencies (column 19 lines 15-20 and column 19 line 66-column 20 line 3). Wang does not clearly disclose that the access device can determine, without connection to a central control element, whether or not to provide access. Wilk discloses a similar lock system as Wang (column 1 lines 5-14). Wilk discloses the lock is off-line (abstract), and

uses time data to determine if the key is currently valid (column 2 lines 17-21) without connection to a central control element (function a, column 2 lines 22-24). While Wilk does disclose on-line locks (function b, column 2 lines 24-26), he makes provisions for off-line locks as well. Wang does not clearly disclose off-line locks. It would have been obvious for one of ordinary skill in the art to use the time window function of Wilk in the user device of Wang to provide for off-line locks.

With regard to claims 2-4, Wang discloses the PEAD receives, and displays to the user additional information, such as price and items (column 19 lines 58-52).

With regard to claim 5, Wang discloses the display can be substituted for an audio output (column 11 lines 57-60).

With regard to claims 10 and 11, Wang discloses the means for establishing a connection can be done using short range wireless communication capabilities such as Bluetooth and infrared (column 19 line 66-column 20 line 3) and that the receiving means can be done with a cell phone (column 18 lines 33-36).

With regard to claims 8 and 9, Wang Bluetooth uses a high frequency (How Bluetooth Works, page 4) and low power (How Bluetooth Works, page 5).

With regard to claim 12-14, Wang discloses that the PEAD can have more than 1 coupon, where each coupon is identified with a specific food (column 18 lines 28-32).

With regard to claim 15, Wang discloses using the dice to gain access to a hotel room (column 19 lines 4-9).

With regard to claims 17 and 18, Wang discloses the key is encrypted using the merchant's private key (column 19 lines 3-4).

With regard to claims 19, 20, 23, and 24, Wang discloses the validity information can include the user ID or time related information (column 7 lines 52-56), which specifies the period of validity of the key, by disclosing examples of items which are purchased based on a period of time (column 19 lines 6-8). Further, Wilk discloses the validity information is time related information (column 2 lines 17-21)

With regard to claim 25, Wang discloses the PED can be mobile (column 18 lines 33-35).

Response to Arguments

3. Applicant's arguments filed 27 February 2009 have been fully considered but they are not persuasive.

With regard to applicant's argument that Wang does not disclose a tag identifying the service provider, the examiner points to the hotel directions. Further, the hotel's private key encrypts the key, thus tagging it as coming from that specific hotel, since no other hotel could encrypt the key with the hotel's private key. This tagging can be authenticated by decrypting the key with the hotel's public key, to prove that it is from that specific hotel. Wang further discloses supermarket coupons, which inherently could only work at that specific provider, for example, a manufacturer's coupon for cereal would inherently not work with competing brand's cereal.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACOB LIPMAN whose telephone number is (571)272-3837. The examiner can normally be reached on M-Fr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jacob Lipman/
Examiner, Art Unit 2434